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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LIANG YANG,

Defendant.

Criminal Case No. 1:23-cr-00027

**THE UNITED STATES' BRIEF IN
SUPPORT OF DETENTION
PENDING TRIAL**

Date: October 12, 2023, 3:30 p.m.

Judge: Heather L. Kennedy

1 The United States of America, through undersigned counsel, Assistant U.S. Attorney
2 Albert S. Flores, Jr., submits its brief in support of pretrial detention of Defendant, Liang YANG
3 (“Defendant”), pursuant to Chapter 207 of Title 18, United States Code.

4 **Procedural Background**

5 On September 28, 2023, a criminal complaint was filed with this Court against Defendant,
6 alleging Count One: Conspiracy to Possess Methamphetamine with Intent to Distribute, under 21
7 U.S.C. §§ 846 and 841(a)(1). ECF No. 1. On the same date, the Chief Judge of this Court issued
8 an arrest warrant for Defendant upon finding of probable cause that Defendant committed the
9 offense alleged in the criminal complaint. ECF No. 2. On September 29, 2023, the Government
10 filed a motion for order of detention of Defendant pending trial, and an initial appearance was held

1 the same day. ECF No. 3.

2 On October 5, 2023, a grand jury returned an Indictment, alleging Count One: Conspiracy
3 to Possess Methamphetamine with Intent to Distribute, under 21 U.S.C. §§ 846 and 841(a)(1).
4 ECF No. 10. On October 6, 2023, Richard C. Miller, Esq., withdrew as counsel of record for
5 Defendant, citing a nonwaivable conflict of interest pursuant to Rule 1.7 of the Model Rules of
6 Professional Responsibility. ECF No. 11.¹ A detention hearing was scheduled for Defendant on
7 October 11, 2023, at 3:30 p.m., but typhoon conditions forced the Court's closure and a pending
8 rescheduling of the detention hearing. What follows here, is the Government's brief in support of
9 its motion for order of detention pending trial.

10 **Statement of Facts**

11 To support its motion for detention, the Government relies upon facts contained in the
12 affidavit submitted by Drug Enforcement Administration (DEA) Special Agent (SA) Kirk Johns
13 with the criminal complaint. ECF No. 1.

14 The Government also relies upon Attachment 1 to this brief, submitted under seal.
15 Attachment 1 is report authored and signed by DEA Task Force Officer (TFO) Raymond M.
16 Renguul on July 6, 2023. In this report, TFO Renguul describes his encounter with Defendant on
17 July 1, 2023, at the United States Post Office in Chalan Kanoa, Saipan. TFO Renguul notes in this
18 report, Defendant was at the post office to receive a package sent by ("CY"). CY is known to
19 investigators as a person who facilitates trafficking of parcels containing methamphetamine within
20 the mail system, from the mainland U.S. to Saipan. In the same report, TFO Renguul notes
21 Defendant claimed to have a relationship with ("DQ"), whose post office box Defendant was using

¹ As of this filing, appointment of a Criminal Justice Act (CJA) attorney for Defendant, to replace Mr. Miller, is pending.

1 to receive packages sent to Saipan by CY. DQ is known to investigators as a person involved with
2 narcotics trafficking on the island of Saipan.

3 The Government also submits Attachment 2, under seal. Attachment 2 is a report authored
4 and signed by TFO Renguul on September 28, 2023. In this report, TFO Renguul summarizes
5 statements made by Defendant to investigators following Defendant's arrest on September 27,
6 2023. Several statements made by Defendant warrant the Court's attention at this juncture. First,
7 Defendant claims he was invited by Imperial Pacific International (IPI) to come to Saipan and
8 introduce VIP guests to games at the casino. This indicates Defendant's connection to persons of
9 wealth, and Defendant's own social status amongst IPI VIPs. Second, Defendant acknowledges
10 his relationship to ("BT"), a person known to investigators as a notorious drug trafficker on Saipan
11 and Guam. Regarding the incident leading to Defendant's arrest, Defendant states he agreed to
12 receive a package sent by BT to make some money. Defendant admits there is drug evidence in
13 the parcel he picked up on the day he was arrested, and a similar package was to arrive within the
14 next two days. Defendant admitted to having the tracking number for the second inbound package
15 (of note, a second package arrived on September 28, 2023, with four similar lanterns containing
16 methamphetamine, like the four lanterns in the first package described in [ECF No. 1]).

17 Lastly, the Government submits Attachment 3, under seal. Attachment 3 is an E-mail
18 exchange between undersigned counsel and TFO Renguul. The E-mail summarizes an interview
19 conducted by DEA investigators and undersigned counsel with ("XG") on October 6, 2023. In
20 this interview, XG states Defendant is friends with BT, and that Defendant previously lived in a
21 residence owned or leased by BT. XG further explains that a situation when police were actively
22 looking for BT on Saipan, affected Defendant's ability to fulfill a debt payment to XG. These
23 facts support Defendant's own claim, that Defendant maintains a relationship with BT, a notorious

1 local drug trafficker who remains a fugitive from justice.

2 **Presumption Against Bail**

3 The Indictment returned by the grand jury [ECF No. 10], constitutes probable cause that
4 Defendant committed the offense of Conspiracy to Possess Methamphetamine with Intent to
5 Distribute, under 21 U.S.C. §§ 846 and 841(a)(1). The probable cause determination in this case
6 triggers a rebuttable presumption under the Bail Reform Act that detention is appropriate. 18
7 U.S.C. § 3142(e). Defendant bears the burden of overcoming the presumption by producing
8 evidence to the Court that Defendant is neither a flight risk nor a danger to the community.
9 Whether to detain Defendant as a flight risk pending trial is a decision made by a preponderance
10 of the evidence. *United States v. Motamedi*, 767 F.2d 1403, 1407 (9th Cir. 1985).

11 The Bail Reform Act sets out several factors the Court should consider in reaching this
12 decision, taking into account all available information: (1) the nature and circumstances of the
13 offense charged, including whether it is a crime of violence or drug offense; (2) the weight of the
14 evidence against the defendant; and (3) the history and characteristics of the defendant, including
15 ties to the community, past conduct, and employment history. 18 U.S.C. § 3142(g). Taking each
16 of these factors into account, this Court should find that the preponderance of the evidence shows
17 the defendant is a flight risk, and that no condition or set of conditions could reasonably assure
18 Defendant's appearance for criminal proceedings in this Court.

19 **Nature and Circumstances of the Offense Charged**

20 The single count of Defendant's Indictment carries a potential penalty upon conviction of
21 a maximum incarceration sentence of twenty (20) years imprisonment; a maximum fine of
22 \$1,000,000; not less than a 3-year term of supervised release; restitution; and a \$100.00 special
23 penalty assessment. The gross weight of the four lava lamps containing methamphetamine in the

1 parcel possessed by Defendant [ECF No. 1], is approximately 2,700 grams. Given the hazardous
2 nature of liquid methamphetamine, a special chemical laboratory team is required to travel to
3 Saipan to complete full forensic analysis of the seized lava lamps. However, given the gross
4 weight of 2,700 grams of the four lava lamps specified in [ECF No. 1], the Government anticipates
5 the weight of methamphetamine in Defendant's case will be at least 1.5 kilograms. Under U.S.S.G.
6 § 2D1.1(a)(5) & (c)(4), Defendant's base offense level would be 32. With a Criminal History
7 Category of I, this results in a guideline sentencing range of 121-151 months. The potential
8 significant incarceration for Defendant upon conviction, even with reductions to form a reduced
9 adjusted offense level, generates an incentive and inherent risk Defendant would not return to face
10 criminal proceedings if released prior to trial.

11 **Weight of the Evidence**

12 While the weight of the evidence has the least force in the Court's analysis for bail
13 determination (*Bell v. Wolfish*, 441 U.S. 520, 533 (1979)), weight of the evidence is still a factor
14 for consideration under 18 U.S.C. § 3142(g). Here, the weight of the evidence against Defendant
15 is compelling.

16 The affidavit submitted by SA Johns lays out some of this evidence. ECF No. 1. Of
17 particular significance:

- 18 • Defendant was in actual possession of a parcel that contained approximately
19 2,700 grams of methamphetamine prior to interception of the narcotics by
20 customs agents. Possession of this amount of methamphetamine is not
21 consistent with personal use.
- 22 • The four lava lamps seized on September 27, 2023, containing approximately
23 2,700 grams of methamphetamine, has an approximate street value on the island

1 of Saipan of more than one-million dollars (\$400 per gram). Given this street
2 value, it is highly unlikely that a narcotics trafficker, such as BT, or CY, would
3 entrust an unknown, or uninvolved person, to receive this much product for
4 handling and distribution. The risk of profit loss would otherwise be too great.

- 5 • Defendant made multiple attempts to inquire or retrieve the parcel. This is
6 behavior consistent with a person expecting a package of significant importance
7 – such as a package containing more than one-million dollars' worth of
8 methamphetamine.
- 9 • Upon arrest, Defendant claimed he was tricked into accepting a package with
10 drug evidence. However, Defendant made this admission prior to DEA agents
11 confronting Defendant in the interview, that drug evidence was found in a
12 package possessed by Defendant.
- 13 • Defendant admits to his relationship with a known, notorious drug trafficker,
14 BT. Further, Defendant admits that he agreed to receive a package from BT,
15 for payment.
- 16 • Defendant admits to his relationship with CY and DQ, also known drug
17 traffickers.

18 **Characteristics of Defendant**

19 Defendant is a citizen of the People's Republic of China (PRC) and does not have lawful
20 immigration status in the United States or the Commonwealth of the Northern Mariana Islands
21 (CNMI). Defendant made five separate entries into the CNMI under the tourist Conditional Parole
22 Program, with the last entry being on 1/18/2019, and parole expiring on 1/30/2019. Defendant has
23 overstayed Conditional Parole and lived on Saipan permanently for the last four years and eight

1 months, all without maintaining lawful employment in the CNMI. By his own admission,
2 Defendant traveled to the CNMI to become an investor in a tourist company, which is a clear
3 violation of permitted entry to the CNMI pursuant to the Conditional Parole Program.

4 Despite no lawful immigration status, Defendant acquired CNMI driver licenses on at least
5 three occasions, to include at least two licenses from Saipan and one license from Rota.
6 Investigators are aware Defendant makes a living, in part, by providing a shuttle service as a driver
7 for visiting tourists from the airport and other places on Saipan. This shuttle service is provided
8 while Defendant relies upon unlawfully issued driver licenses from the CNMI Bureau of Motor
9 Vehicles (BMV). Defendant's ability to live on Saipan for four years unlawfully, and operate a
10 tourist company unlawfully, is a clear indicator he has the ability and network to remain undetected
11 and avoid encounters with law enforcement.

12 Persons such as Defendant without lawful immigration status, and who maintain a stream
13 of unlawful income on Saipan, do not maintain monetary accounts with United States financial
14 institutions. Instead, persons such as Defendant, rely upon cash dealings and their networks to
15 transfer money via foreign cash applications such as WeChat. This is relevant because the Court
16 in its analysis for flight risk, will surely inquire into Defendant's financial means to flee the island
17 of Saipan. This Court should keep in mind, while Defendant reports he has limited to no assets,
18 this is not a true representation of Defendant's financial means.

19 How could Defendant purchase a vehicle on Saipan valued at more than \$1,000 without
20 use of U.S. financial institutions?... because he deals in cash. Defendant is a narcotics trafficker,
21 with admitted connections to VIP customers of the IPI casino. Thus, Defendant does have access
22 to money and a network to pay smugglers on the black market to avoid criminal prosecution in
23 this Court. Such is the case for Defendant's friend, BT, a fellow narcotics trafficker and wanted

1 fugitive who Defendant admits, is now on Guam.

2 Defendant has clearly demonstrated his disregard for the laws of the CNMI and the United
3 States of America. Most evident by the fact that there are four active warrants for Defendant's
4 arrest dating back to 2019. Not once, not twice, but four times, Defendant has been issued a traffic
5 summons and subsequently failed to attend court proceedings. Further, Defendant's ability to
6 acquire a CNMI license from the BMV even with active arrest warrants is alarming. This suggests
7 Defendant's nefarious network includes not only fellow drug traffickers, but also corrupt
8 government officials who would issue Defendant a license, notwithstanding his fugitive status and
9 unlawful immigration status. This Court is well aware, considering other matters before this Court
10 (*see i.e., United States v. Juana C. Leon Guerrero*, D. N. Mar. I. Case 1:23-cr-00007), this corrupt
11 network is a plague to the CNMI.

12 Defendant's network of people is highly problematic when this Court considers
13 Defendant's character for purposes of flight risk determination. Defendant maintains ties to family
14 members in China, ties to known drug traffickers in China, and Defendant's local network is one
15 of known drug traffickers. DQ, Defendant's friend who Defendant relies upon to receive packages,
16 is involved in drug trafficking on Saipan. Defendant's associate, CY, is a known drug trafficker
17 who facilitates the mailing of parcels containing methamphetamine to Saipan. BT, who Defendant
18 says sent him the four lava lamps containing methamphetamine, is a drug trafficker.

19 **Conclusion**

20 Considering the evidence, Defendant is staring at a conviction that will likely result in
21 sentencing guidelines that start at 121 months. Given this significant period of incarceration,
22 Defendant's ties outside the CNMI, his financial means, his nefarious network, if Defendant is
23 released pretrial, he will be incentivized to flee. The use of a tracking bracelet can be cut with a

1 snip of scissors, and Defendant can hop on a boat to join his friend BT on Guam in no time. Such
2 a scenario would rob due process of a significant case that involves the trafficking of more than
3 one-million dollars' worth of methamphetamine to the island of Saipan.

4 Thus, for the reasons stated *supra*, the Government respectfully moves this Court to
5 maintain Defendant's detention. At the hearing on this motion, the United States may advance
6 additional reasons for detention, as the case proceeds and new information becomes available.

Respectfully submitted on October 12, 2023.

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By: /s/ Albert S. Flores, Jr.
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